

REMARKS

Claims 36-41 are pending in the application. Claims 1-35 and 42-121 have been canceled without prejudice. Claim 36 has been amended. The right to prosecute the subject matter of any canceled claim in this application or in one or more continuation, continuation-in-part or divisional applications is hereby reserved. No new matter has been added.

Support in the specification for the amendment to the specification inserting a brief description of drawings can be found, for example, at page 57, line 12 to page 59, line 5; and page 59, line 19 to page 60, line 20.

Support in the specification for the replacement drawings can be found, for example, as indicated in the table, below:

Replacement Figure	Support
11	Page 15, lines 25-6; Page 17, lines 5-7; Page 29, lines 3-4, 9-12; Page 36, lines 5-11, 23-27; Page 37, lines 2-3, 25-26; Page 38, line 21 to Page 39, line 5; Page 39, lines 14-15; Page 60, lines 6-9; Page 60, line 22 to Page 61, line 2
12	Page 17, lines 7-10; Page 29, lines 3-4; Page 37, lines 9-14, 22-23; Page 38, lines 3-8, 11-12, 14-19, line 21 to Page 39, line 5; Page 39, lines 14-15; Page 40, lines 6-7; Page 60, lines 11-12
13	Page 17, lines 7-10; Page 29, lines 3-4; Page 37, lines 9-14, 22-23; Page 38, lines 3-8, 11-12, 14-19, line 21 to Page 39, line 5; Page 39, lines 14-15; Page 40, lines 6-7; Page 60, lines 14-16
14	Page 17, lines 7-10; Page 29, lines 3-4; Page 37, lines 9-14, 22-23; Page 38, lines 3-8, 11-12, line 21 to Page 39, line 5; Page 39, lines 14-15; Page 40, lines 6-7; Page 60, lines 18-20

Support in the specification for the amended claim can be found, for example, as indicated in the table, below:

Claim	Support
36	Page 17, line 1; Page 28, lines 2-4; Page 29, lines 4-6; Page 41, lines 23-24

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 36-41 have been rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention.

The office action alleges that it is unclear whether one of the liners constitutes the semi-permeable porous barrier. Claim 36, from which claims 37-41 depend, has been amended to recite that the adaptable semi-permeable porous barrier is skin or mucosa of a mammalian body or cuticle of a plant. The adaptable semi-permeable porous barrier is not a component of the presently claimed patch, nor is it indicated in Figures 11-14. The Examiner's attention is invited to replacement Figures 11-14, which indicate the backing and inner liners.

The office action asks whether the inner liner constitutes the semi-permeable barrier through which the penetrants permeate. The Examiner's attention is invited to amended Figures 11-14, each of which indicates an inner liner through which the penetrants can pass when the inner liner contacts the skin or mucosa of a mammalian body or cuticle of a plant. Furthermore, the skin-wetting phenomenon referred to in the office action is shown in Figure 9 and is described, for example, at page 59, lines 19-25 of the specification.

The office action also asks whether the penetrants pass through the non-occlusive porous backing liner. The Examiner's attention is invited to amended Figures 11-14, each of which indicates a backing liner. The backing liner facilitates evaporation of the polar liquid of the formulation that comprises the penetrants and is contained in the patch, as described at page 31, lines 9-10 of the specification. The evaporation of the polar liquid increases the flux of penetrants across the adaptable semi-permeable porous barrier, as described at page 31, lines 13-15 of the specification.

In view of the above and the enclosed replacement Figures 11-14, it is believed that the rejection under 35 U.S.C. § 112, second paragraph, has been overcome and should be withdrawn.

Drawings

The drawings have been objected to as being allegedly incomplete. Submitted herewith are replacement Figures 11-14, which indicate a backing liner and an inner liner in each figure. Replacement Figures 12-14 include an arrow to more clearly indicate that combining or mixing of the ingredients in each compartment can be achieved by perforating or destroying the compartment-separating membrane, as described in the specification at page 40, lines 6-7. Replacement Figure 13 also indicates a vertical septum, which is described in the specification at page 60, line 16.

The office action contends that Figures 11-14 allegedly do not identify the porous barrier by a numeral. As discussed above, claim 36, from which claims 37-41 depend, has been amended to recite that the adaptable semi-permeable porous barrier is skin or mucosa of a mammalian body or cuticle of a plant, and not a component of the presently claimed patches.

In view of the above, it is believed that the objection to the drawings has been overcome and should be withdrawn.

Disclosure

The disclosure is objected to as allegedly lacking a brief description of figures. The specification is hereby amended to include a section entitled "Brief Description of the Drawings" that includes a brief description of Figures 1-14. Thus, it is believed that the objection to the disclosure has been overcome and should be withdrawn.

Application No.: 10/037,480
Response to Office Action Mailed: April 11, 2007
Response Electronically Filed October 5, 2007

The Commissioner is authorized to debit any necessary fee or credit any overpayment relating to the above-identified application to Deposit Account No. 23-2415 (Docket No. 35946-703.301).

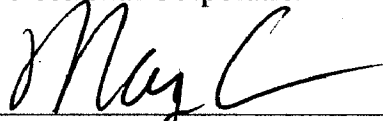
If the Examiner believes that any further discussion of this communication would be helpful, please contact the undersigned at the telephone number provided below.

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Professional Corporation

Dated: October 5, 2007

By: 
Maya Skubatch,
Registration No. 52,505

650 Page Mill Road
Palo Alto, California 94304-1050
Tel: (650) 493-9300
Fax: (650) 493-6811
Customer No. 21971